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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,653	06/02/2006	Todd Garrett Simpson	037652.00045	7857
26712	7590	11/25/2008		
HODGSON RUSS LLP THE GUARANTY BUILDING 140 PEARL STREET SUITE 100 BUFFALO, NY 14202-4040			EXAMINER LAM, VINH TANG	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 11/25/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,653

Applicant(s)

SIMPSON ET AL.

Examiner

VINH T. LAM

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-893)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims **1, 2, 4-12, and 14-21** are rejected under 35 U.S.C. 102(b) as being anticipated by **MILLINGTON (US Patent Application Publication No. 2002/0067335)**.

Regarding Claim **1**, **MILLINGTON** teaches a text entry system, comprising:

a display visually divided into at least two functional areas, a first of the functional areas corresponding to a first aspect of entering text, and a second of the functional areas corresponding to a second aspect of entering text (Col. 2, [0020], FIG. 2);

an indicator system operable by one human digit, the indicator system having at least a first cardinal state, a second cardinal state and a third cardinal state, the third cardinal state having no textual meaning associated with it (Col. 2, [0021], FIGs. 3 & 4);

a processor responsive to each cardinal state, whereby the indicator system may be used to select options displayed in at least one of the functional areas (Col. 2, [0023], FIG. 5);

a program controlling the processor so that text may be entered in response to a user selecting at least one of the options (Col. 2, [0023], FIG. 5).

Regarding Claim 2, **MILLINGTON** teaches the text entry system of claim 1, wherein:

the first cardinal state is activated by applying a force to a first location (Col. 2, [0022], FIG. 4);

the second cardinal state is activated by applying a force to a second location (Col. 2, [0022], FIG. 4); and

the third cardinal state is activated by identifying a third location, the third location being located between the first location and the second location (Col. 2, [0022], FIGs. 2 & 4).

Regarding Claim 4, **MILLINGTON** teaches the text entry system of claim 2, wherein identifying the third location is accomplished by applying a force to the third location (Col. 2, [0022], FIG. 4).

Regarding Claim 5, **MILLINGTON** teaches the text entry system of claim 1, wherein the text entry system has a first mode and a second mode, wherein;

when the text entry system is in the first mode, the first cardinal state has a textual meaning associated with it (Col. 3, [0027], [0028], FIG. 2), and

when the text entry system in the second mode, the first cardinal state has a different meaning associated with it (Col. 3, [0029], FIG. 2).

Regarding Claim 6, **MILLINGTON** teaches the text entry system of claim 5, wherein the different meaning is a different textual meaning (Col. 3, [0029], FIG. 2).

Regarding Claim 7, **MILLINGTON** teaches the text entry system of claim 5, wherein the different meaning is not a textual meaning (Col. 3, [0030], FIG. 2).

Regarding Claim 8, **MILLINGTON** teaches the text entry system of claim 7, wherein the different meaning is a navigational meaning (Col. 3, [0030], FIG. 2).

Regarding Claim 9, **MILLINGTON** teaches the text entry system of claim 5, wherein moving from the first mode to the second mode is accomplished by applying a force to the third location (Col. 3, [0030], FIG. 2).

Regarding Claim 10, **MILLINGTON** teaches the text entry system of claim 5, wherein when the text entry system is in the first mode, the first cardinal state is used to select a first category of text and the second cardinal state is used to select a second category of text (Col. 3, [0027], [0029], FIG. 2).

Regarding Claim 11, **MILLINGTON** teaches the text entry system of claim 1, wherein the first cardinal state is used to select a first category of text and the second cardinal state is used to select a second category of text (Col. 3, [0027], [0029], FIG. 2).

Regarding Claim 12, **MILLINGTON** teaches the text entry system of claim 11, wherein the first cardinal state is used to select a first category of text and the second cardinal state is used to select a second category of text, wherein the first category of text includes symbols having a first feature and the second category of text includes symbols having a second feature (Col. 2, [0020], FIG. 2).

Regarding Claim 14, **MILLINGTON** teaches the text entry system of claim 1, wherein the indicator system includes a position indicator and selection of one of the cardinal states is accomplished by detecting a position of the position indicator (Col. 2, [0024], FIG. 6).

Regarding Claim 15, **MILLINGTON** teaches a method of entering text, comprising:

providing a display having a first functional area and a second functional area (Col. 2, [0020], FIG. 2);

providing an indicator system operable by one human digit, the indicator system having a first cardinal state, a second cardinal state and a third cardinal state (Col. 2, [0021], FIGs. 3 & 4);

providing a processor operably connected to the indicator system (Col. 2, [0023], FIG. 5);

activating the first cardinal state to indicate to the processor selection of a first category of text to be entered, the first category including symbols used to create a plurality of text characters (Col. 2, [0020], FIG. 2).

Regarding Claim 16, **MILLINGTON** teaches the method of claim 15, further comprising displaying a representative symbol, the representative symbol corresponding to the first category (Col. 2, [0020], FIG. 2).

Regarding Claim 17, **MILLINGTON** teaches the method of claim 15, further comprising displaying in the first functional area a text character having one of the symbols corresponding to the first category (Col. 3, [0027], FIG. 2).

Regarding Claim 18, **MILLINGTON** teaches the method of claim 17, further comprising:

activating the second cardinal state to indicate to the processor selection of a second category of text to be entered, the second category including symbols used to create a plurality of text characters (Col. 2, [0020], FIG. 2); and

displaying in the first functional area a text character having one of the symbols corresponding to the first category and one of the symbols corresponding to the second category (Col. 3, [0027], FIG. 2).

Regarding Claim 19, **MILLINGTON** teaches the method of claim 17, further comprising selecting the text character displayed in the first functional area (Col. 3, [0027], FIG. 2).

Regarding Claim 20, **MILLINGTON** teaches the method of claim 18, further comprising displaying the selected text character in the second functional area (Col. 3, [0029], FIG. 2).

Regarding Claim 21, **MILLINGTON** teaches the method of claim 15, further comprising:

displaying in the first functional area a first icon that represents a text character which has one of the symbols corresponding to the first category (Col. 3, [0027], FIG. 2); and

displaying in the first functional area a second icon that represents part of a text character, the first icon and the second icon having the same symbols (Col. 3, [0028], FIG. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim **3** is rejected under 35 U.S.C. 103(a) as being unpatentable over

MILLINGTON (US Patent Application Publication No. 2002/0067335).

Regarding Claim **3**, **MILLINGTON** teaches the text entry system of claim

- 2.

MILLINGTON does not teach a fourth cardinal state is activated by activating the first cardinal state and the third cardinal state.

However, it is well-known in the art that it is an obvious Design Choice of using shortcut keys to execute certain actions, for example Ctrl+Alt+Del combination is used for turning on/off or logging in/out, for a benefit of alternatively executing action by utilizing shortcut keys.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **MILLINGTON** teaching of a text system comprising the three cardinal states to a well-known teaching in the art of using shortcut keys in order to benefit of alternatively executing action by utilizing shortcut keys.

3. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over **MILLINGTON (US Patent Application Publication No. 2002/0067335)** in view of **Chen (US Patent No. 6054941)**.

Regarding Claim 13, **MILLINGTON** teaches the text entry system of claim 12.

However, **MILLINGTON** does not teach a symbol having both the first feature and the second feature is included in both the first category and the second category.

In the same field of endeavor, **Chen** teaches a symbol having both the first feature and the second feature is included in both the first category and the second category (e.g. buttons 1 and 2, FIG. 1) for the benefit of quickly accessing either category since a symbol having both features included in both categories.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **MILLINGTON** teaching of a text inputting device with different categories and features **Chen** teaching of having common features in both categories in order to benefit of quickly accessing either category since a symbol having both features included in both categories.

4. Claims 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over **MILLINGTON (US Patent Application Publication No. 2002/0067335)** in view of **King et al. (US Patent No. 6307549)**.

Regarding Claim 22, **MILLINGTON** teaches a method of entering text, comprising:

providing a display having a first functional area and a second functional area (Col. 2, [0020], FIG. 2);

providing an indicator system, the indicator system having a first cardinal state, a second cardinal state and a third cardinal state (Col. 2, [0021], FIGs. 3 & 4);

providing a processor operably connected to the indicator system (Col. 2, [0023], FIG. 5);

activating the first cardinal state to indicate to the processor selection of a first category of text to be entered, the first category including symbols used to create a plurality of text characters (Col. 2, [0020], FIG. 2).

However, **MILLINGTON** does not teach that providing an indicator system operable by a human eye.

In the same field of endeavor, **King et al.** teach an indicator system operable by a human eye (Col. 24, Ln. 32-35) for the benefit of assisting people with physical impairment interacting with devices using their eyes.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to combine **MILLINGTON** teaching of an inputting text with human digit to **Longe et al.** teaching of input device using eye tracking device in order to benefit of assisting people with physical impairment interacting with devices using their eyes.

Regarding Claim 23, the method of claim 22, **MILLINGTON** teaches further comprising displaying a representative symbol, the representative symbol corresponding to the first category (Col. 2, [0020], FIG. 2).

Regarding Claim **24**, the method of claim 22, **MILLINGTON** teaches further comprising displaying in the first functional area a text character having one of the symbols corresponding to the first category (Col. 3, [0027], FIG. 2).

Regarding Claim **25**, the method of claim 24, **MILLINGTON** teaches further comprising:

activating the second cardinal state to indicate to the processor selection of a second category of text to be entered, the second category including symbols used to create a plurality of text characters (Col. 2, [0020], FIG. 2); and

displaying in the first functional area a text character having one of the symbols corresponding to the first category and one of the symbols corresponding to the second category (Col. 3, [0027], FIG. 2).

Regarding Claim **26**, the method of claim 24, **MILLINGTON** teaches further comprising selecting the text character displayed in the first functional area (Col. 3, [0027], FIG. 2).

Regarding Claim **27**, the method of claim 26, **MILLINGTON** teaches further comprising displaying the selected text character in the second functional area (Col. 3, [0029], FIG. 2).

Regarding Claim **28**, the method of claim 22, **MILLINGTON** teaches further comprising:

displaying in the first functional area a first icon that represents a text character which has one of the symbols corresponding to the first category (Col. 3, [0027], FIG. 2); and

displaying in the first functional area a second icon that represents part of a text character, the first icon and the second icon having the same symbols (Col. 3, [0028], FIG. 2).

Conclusion

The prior arts made of record and not relied upon is considered pertinent to applicant's disclosure are: Savolainen (US Patent Application Publication No. 2002/0126097).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571)270-3704. The examiner can normally be reached on M-F (7:30-5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571 272 1206. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VTL/

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